

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERIN C. WEBER,

Plaintiff,

Case No. 02-74602

vs.

HON. GEORGE CARAM STEEH

INFINITY BROADCASTING CORP.  
et al.,

Defendants.

/

ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT  
UNDER RULE 59(e) AND FOR RELIEF FROM JUDGMENT UNDER RULE 60(b)  
DUE TO MISTAKE IN COMPUTATION OF DAMAGES [DOCUMENT NO. 160]

Plaintiff brings the present motion seeking to correct alleged errors in the calculation of damages in the Court's February 7, 2006 Order. The plaintiff maintains that the Court remitted the portion of the jury award consisting of past wage loss based on an incorrect final compensation figure. Plaintiff further alleges that the Court miscalculated future wage loss for the same reason. The Local Rules of the Eastern District of Michigan provide that a party may seek reconsideration of an order or judgment where there has been a palpable defect by which the court has been misled. L.R. 7.1(g). Such a motion for reconsideration must be filed within 10 days after entry of the judgment or order. Plaintiff never filed a motion for reconsideration, and the time for doing so has now passed.

The Order which is the subject of plaintiff's current motion provided that plaintiff had 14 days to accept judgment as remitted, or defendants' motion to set aside the jury verdict *in toto* would be granted, and a new trial would be ordered. Once plaintiff

accepted the remitted amount, the Court entered judgment. By accepting the remitted award on February 20, 2006, plaintiff waived the right to assert a mistake of fact in this Court with regard to the remittitur order or the resulting judgment. The proper time to request that the Court amend its damages calculation would have been before plaintiff's acceptance of remittitur was filed.

For the reasons stated, plaintiff's motion to alter or amend judgment, or for relief from judgment, is DENIED.

So ordered.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: March 16, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on March 16, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Secretary/Deputy Clerk